

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

IRON WORKERS DISTRICT COUNCIL OF
WESTERN NEW YORK AND VICINITY
WELFARE FUND by Suzanne Ranelli, as
Administrative Manager, et al.,

Plaintiffs,

v.

AMERICAN IRON & CRANE, INC., et al.,

Defendants.

DECISION & ORDER

19-CV-6767W

Plaintiffs have requested an extension of the Court-ordered deadlines for mediation. (Docket # 12). By Order dated January 7, 2020, this Court ordered that the first mediation session occur on or before March 31, 2020, and that mediation be completed by June 1, 2020.¹ (Docket # 10). In their motion, plaintiffs argue that an extension of these deadlines is warranted primarily because their fiduciary duties constrain their ability to resolve this matter without first conducting a payroll audit. (Docket # 12-1 at ¶¶ 5-6). Defendants oppose the motion, contending that plaintiffs have the ability to settle their claims and that mediation could help to resolve any disputes concerning the scope of materials required to complete the audit. (Docket # 16 at 3).

Months after the motion was filed, and following a telephone conference with the Court to address discovery issues and the demanded audit, the parties confirmed that the payroll audit has now been completed. (*See, e.g.*, Docket ## 22, 25). Although additional unresolved

¹ The Court also ordered that a mediator be selected by February 4, 2020. (Docket # 10). On February 5, 2020, plaintiffs filed a stipulation selecting Erika N.D. Stanat, Esq., as mediator. (Docket # 13).

discovery disputes may require determination by the Court (*see* Docket # 25), the existence of those disputes does not warrant a delay in mediation. Given that the audit has been conducted, I conclude that any further delay of the mediation deadlines is unjustified, and plaintiffs' motion **(Docket # 12)** is **DENIED**.

The mediation deadlines previously set by the Court have expired. Accordingly, the amended scheduling order (Docket # 21) is hereby amended as follows: the initial mediation session shall be held by no later than **October 16, 2020** and the referral to mediation shall terminate on **December 7, 2020**. All other dates contained in the amended scheduling order shall remain unchanged.

IT IS SO ORDERED.

s/Marian W. Payson
MARIAN W. PAYSON
United States Magistrate Judge

Dated: Rochester, New York
September 8, 2020